

REMARKS

Claims 1-10, 12-13 and 16-20 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matter

By this Amendment, Applicant has amended the specification to correct a typographical error. Such amendment does not constitute new matter.

II. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,071,119 to Christoff et al. (“Christoff”) in view of U.S. Patent No. 6,168,428 to Voudouris (“Voudouris”).

Claims 1-2, 8-10 and 13 and 16-20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Christoff in view of Voudouris.

A. Claim 1

In the October 29, 2007 Amendment, Applicant argued that the ramp portion 46 of Figures 2-5 of Christoff does not extend upward from an edge of the middle groove. For example, Applicant argued that the ramp portion 46 is disposed below the edge of wings 28 that is closest to wings 26. In other words, if the claimed middle groove allegedly corresponds to the gaps between the wings 28 and wings 26 of Figure 2, the middle groove would extend from the bottom of the gap between wings 26 to the top of the gap between the wings 28. Furthermore, Applicant noted that the ramp portion 46, which the Examiner alleges corresponds to the claimed wall portion, does not extend upward from either end of the alleged middle groove, but rather is disposed between wings 28 and wings 26.

In response to the above arguments, the Examiner currently maintains that ramp portion 46 of Christoff does extend from an edge portion of the alleged groove. In particular, the Examiner maintains that the position of the ramp portion 46 reads on the claimed position since the ramp portion 46 is provided at an edge directly against the sides of the groove portion (pgs. 5 and 6 of Office Action).

Claim 1, however, now recites, "wherein the bracket main body has a front end portion and a rear end portion, the front end portion being separated from the rear end portion by the arch wire slot, and wherein the cover portion is provided at the front end portion and the edge from which the wall portion extends is provided at the rear end portion."

In regard to the above, the alleged wall portion of Christoff (ramp portion 46) is located on the same side of the bracket as the cover portion (located generally near reference numerals 28 and 44). On the other hand, the wall portion 12A of the present invention is provided at a side of the bracket that is opposite to the side at which the cover 15 is located.

At least based on the foregoing, and since Voudouris fails to cure the deficient teachings of Christoff, Applicant submits that claim 1 is patentable over the cited references.

B. Claims 2, 9, 13, 17 and 19

Since claims 2, 9, 13 and 17 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 8

Since claim 8 contains features analogous to those discussed above in conjunction with claim 1, Applicant submits that claim 8 is patentable for at least analogous reasons as claim 1.

D. Claims 10, 16, 18 and 20

Since claims 10, 16, and 18 are dependent upon claim 8, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Rejection under 35 U.S.C. § 103(a) over Christoff in view of Voudouris and in further view of U.S. Patent No. 6,071,118 to Damon (“Damon”).

Claims 3-7 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Christoff in view of Voudouris in further view of Damon.

A. Claim 3

Since claim 3 is dependent upon claim 1, and Damon fails to cure the deficient teachings of Christoff and Voudouris, in regard to claim 1, Applicant submits that claim 3 is patentable at least by virtue of its dependency.

In addition, claim 3 recites that the recess portion is a cut-and-rising portion having a convex portion that protrudes from an outer surface of the clip. The recess portion is operative to catch a clip release tool (claim 1).

The Examiner continues to maintain that it would have been obvious to modify the recess portion of Voudouris with the ribs 37/39 of Damon, “in order to provide an engagement means for a manipulating tool as taught by Damon.” (pgs. 4-5 of Office Action). For similar reasons as set forth in the October 29, 2007 Amendment, however, Applicant submits that such statement fails to provide proper motivation to combine the references. For example, the actual recess 140 of Voudouris is already provided as an engagement means to receive a manipulating tool. In

addition, according to column 8, lines 16-19 of Damon, the ribs 37/39 lightly rub along walls 33 to assist in maintaining the slide in an upright orientation and to further guide it while moving relative to the bracket 19. Thus, there is no actual catch for a manipulating tool and therefore ribs 37/39 do not serve as a convex portion (i.e., an engaging means) for a manipulating tool. Accordingly, even if Applicant assumes *arguendo* that element 30B of Voudouris does disclose a type of recess portion, the ribs 37/39 of Damon fail to teach or suggest any sort of convex portion.

B. Claims 4-7 and 12

Since claims 4-7 are dependent upon claim 1, via claim 3, Applicant submits that such claims are patentable over the cited references at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

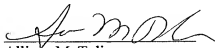
overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565
CUSTOMER NUMBER


Allison M. Tulino
Registration No. 48,294

Date: April 8, 2008